

VILLAGE OF WAUCONDA

2000-0 - 31

*AN ORDINANCE ESTABLISHING INDUSTRIAL WASTEWATER DISCHARGE STANDARDS AND
PRETREATMENT REGULATIONS AND PROVIDING FOR THE ADMINISTRATION AND
ENFORCEMENT THEREOF*

ADOPTED BY THE VILLAGE BOARD

OF THE

VILLAGE OF WAUCONDA, ILLINOIS ON

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***AN ORDINANCE ESTABLISHING INDUSTRIAL WASTEWATER DISCHARGE STANDARDS AND
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ENFORCEMENT THEREOF***

Be it Ordained by the President and Board of Trustees of the Village of Wauconda, Lake County, Illinois as follows:

SECTION 1. That Title 10 of the Wauconda, Illinois Village Code is hereby amended by adding a new Chapter 8 thereto entitled "Industrial Wastewater Discharge Standards and Pretreatment Regulations" and to provide in Sections and Subsections as follows:

10-8-1 GENERAL PROVISIONS

10-8-1-1: Purpose and Policy. This Chapter sets forth uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the Village of Wauconda and enables the Village to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et. seq.), and the General Pretreatment Regulations (40 CFR Part.403). The objectives of this Chapter are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operations of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise being incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plants sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- G. To enable the Village to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

This Chapter shall apply to all industrial users of the POTW. The Chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

10-8-1-2: Administration. Except as otherwise provide herein, the Village Administrator shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Village Administrator may be delegated by him or her to other Village personnel.

10-8-1-3: Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated.

- A. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C..1251 et seq.

- B. Approval Authority. State of Illinois Environmental Protection Agency.
- C. Authorized Representative of the Industrial User. The individual agent designated by the Industrial User for purpose of acting on behalf of the Industrial User and receiving notices under the provisions of this Chapter.
- D. Baseline Report. The report required by 40 CFR 403.12 (b) (1-7).
1. If the industrial user is a corporation, authorized representative shall mean:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
 - b. the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$20 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 2. If the industrial user is a partnership, or sole proprietorship, an authorized ,representative shall mean a general partner or proprietor, respectively;
 3. If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
 4. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Village.
- E. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20' centigrade expressed in terms of mass and concentration [milligrams per liter (mg/l)].
- F. Categorical Pretreatment Standards or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. Chemical Oxygen Demand (COD). The quantity of oxygen consumed from a chemical oxidant (standard potassium dichromate solution) under standard laboratory procedures utilizing an approved EPA test procedure.
- H. Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- I. Compatible Pollutant. BOD; COD; Fats, Oil, or Grease; suspended solids; pH; and fecal coliform bacteria.
- J. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- K. Discharge. The introduction of Pollutants in the Wastewater Treatment System from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act

- L. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
- M. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applied to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- N. Fats, Oil, or Grease. Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and may other material that is extracted by trichlorotrifluoroethane solvent.
- O. Fecal Coliform. Any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.
- P. Grab Sample. A sample which is taken from a waste stream on a one-time bases without regard to the flow in the waste stream and without consideration of time.
- Q. Incompatible Pollutant. All Pollutants other than Compatible Pollutants.
- R. Indirect Discharge or Discharge. The introduction of (non-domestic) pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.
- S. Industrial User or User: A source of indirect discharge.
- T. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- U. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources:
 - 1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of the Village's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
 1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type or activity as the existing source, should be considered.
 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation

meeting the criteria of Paragraph 1.b. or c. above but otherwise alters, replaces, or adds to existing processes or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite construction program.
 - i. Any placement, assembly, or installation of facilities or equipment, or
 - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.
- V. Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis waste.
- W. NAICS. A classification pursuant to the North American Industry Classification System issued by the U.S. Office of Management and Budget
- X. Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product or finished product. The only pollutant is heat.
- Y. Pass Through. A discharge which exits the POTW into waters of the U.S. in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Village's NPDES permit (including an increase in the magnitude or duration of a violation).
- Z. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.
- AA. pH. A measure of acidity or alkalinity of a substance, expressed in standard units.
- BB. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, 311d the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor].
- CC. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- DD. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standards.

- EE. Pretreatment Standards or Standards.- Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.
- FF. Priority Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- GG. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10-8-2-1 of this Chapter.
- HH. Process Wastewater. Any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product; provided, however, that Process Wastewater shall not include Sanitary Wastewater, non-contact cooling Wastewater, or boiler blow down Wastewater.
- II. Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.
- JJ. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- KK. Significant Industrial User (SIU) Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 gpd or more of process wastewater, ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the Village on a basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- LL. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 10-8-2-1 of this Chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
- MM. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.
- NN. Suspended Solids. The total suspended matter that floats on the surface or, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- OO. Treatment Plant Effluent. Any discharge of pollutants from the POTW into waters of the State.
- PP. Village Administrator. The person designated by the Village to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Chapter or his duly authorized representative.
- QQ. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- RR. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.
- SS. Sanitary Wastewater. The combination of liquid and industrial wastes discharged from toilets and other sanitary plumbing facilities.

TT. Sludge. The settleable solids separated from the liquids during wastewater treatment processing.

UU. Upset. An exceptional incident during which there is unintentional and temporary

VV. Noncompliance with National Categorical Pretreatment Standards and/or the Village Pretreatment Ordinance Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

Shall is mandatory, may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

10-8-1-4: Abbreviations. The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand
CFR- Code of Federal Regulations
COD- Chemical Oxygen Demand
EPA- U.S. Environmental Protection Agency
gpd- Gallons Per Day
IEPA- Illinois Environmental Protection Agency
l -Liter
mg- Milligrams
mg/l- Milligrams per liter
NPDES- National Pollutant Discharge Elimination System
O&M - Operation and Maintenance
POTW - Publicly Owned Treatment Works
RCRA- Resource Conservation and Recovery Act
SIC - Standard Industrial Classification (now NAICS)
SWDA - Solid Waste Disposal Act (42 U.S.C. 6901,et seq)
TSS - Total Suspended Solids
USC. - United States Code

10-8-2 GENERAL SEWER USE REQUIREMENTS

10-8-2-1: Prohibited Discharge Standards. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

- A. Pollutants which create a fire or explosive hazard in the municipal wastewater. collection and POTW, including, but not limited to, waste streams with a closed-up flashpoint of less than 140. F (60.C) using the test methods specified in 40 CFR 261.21.
- B. Any wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering Village personnel. All pH limits must be met at all times, and are not subject to averaging.
- C. Solid or viscous substances in quantities or of such size as are capable of causing obstruction to the flow in the sewers, or other interference with the proper operation of the sewerage works.
- D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

- E. Any wastewater having a temperature greater than ISO degrees F (6S°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104F (40C).
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- G. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by the Village in accordance with Section 10-8-3-5.
- I. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into sewers for maintenance and repair.
- J. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the Village's NPDES permit.
- K. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than IO percent from the seasonably established norm for aquatic life.
- L. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by Village Administrator in compliance with applicable State or Federal regulations.
- M. Storm water, surface water; ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Village Administrator.
- N. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- O. Any medical wastes, except as specifically authorized by Village Administrator in a wastewater discharge permit.
- P. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- Q. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- R. Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 75 mg/l.
- S. Any liquids, solids, or gases that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious or hazardous in any other way to the Wastewater Treatment system. At no time shall two successive readings on a meter capable of reading lower explosive limit at a point at the nearest accessible point to the Wastewater Treatment System in a Sanitary Sewer, at the point of discharge into the Wastewater Treatment System, be more than five percent; nor shall any single reading be greater than 10 percent. Materials prohibited under this paragraph include without limitation gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates; polychlorinated biphenyls, polybrominated biphenyls, carbides, hydrides, stoddard solvents and sulfides.
- T. Solid, solid waste, or viscous Pollutants in amounts that will cause obstruction to the flow in the Wastewater Treatment System resulting in interference, including without limitation grease, garbage with

particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers; ashes, cinders, sand, spent limestone or marble dust, metal, glass, straw, shavings grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or, lubricating oil, mud or glass grinding or polishing wastes, or tumbling or de-burring stones.

- U. Any Wastewater containing Incompatible Pollutants in sufficient quantity, either alone or in combination with other Pollutants, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, cause a violation of the water quality standards of the receiving waters of the Wastewater Treatment System, or exceed the limitation set forth in any National Categorical Pretreatment Standard.
- V. Any substance that would cause the Wastewater Treatment System to be in noncompliance with Sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Resource Conservation and Recovery Act, the Solid Waste Disposal Act, the Clean Water Act, the Toxic Substances Control Act, or State regulations (Subtitle C Part 391) applicable to the Sludge Management method being used.
- W. Any substance or combination of substances that would cause a violation of the Village's NPDES permit (including increase in the magnitude or duration of a violation) or the receiving water quality standards and/or general effluent discharge standards.
- X. Any Pollutants, including Compatible Pollutants, released at a flow or pollutant concentration that a User knows or has reason to know will cause interference to the Treatment Plant or will Pass Through the Treatment Plant
- Y. Any Wastewater containing BOD, TSS, NH₃N, or COD, or any combination of any of them, of such character and quantity that unusual attention or expense is required to handle such material at the Treatment Plant; provided, however, that a User may be permitted by specific, written agreement with the Village to discharge such BOD, TSS, NH₃N, or COD, which agreement may provide for special charges, payments, or provisions for treating equipment
- Z. Ammonia nitrogen in amounts that would cause a violation of the water quality standards of the receiving waters of the Wastewater Treatment System.
- AA. Any Discharge exceeding the standards established in 35 IL Adm. Code Section 307.
- BB. Any Slug.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the Industrial User's Pretreatment Facility before connecting with the POTW. Compliance with Section 10-8-2-1 shall be required upon the effective date of these regulations.

10-8-2-2: Federal Categorical Pretreatment Standards. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into these regulations. After the promulgation of any National Categorical Pretreatment Standard for a particular Industrial User, said standard, when effective, shall be enforceable under this Ordinance and said standard shall be complied with by all Industrial Users subject to said standard. The Village may notify all known affected Users of the applicable reporting requirements under 40 CFR Section 403.12; provided, however, that failure of the Village to notify a User shall not relieve the User of its duty, if any, to comply.

10-8-2-3: Illinois Pretreatment Requirements. Illinois pretreatment standards as may exist and as amended from time to time are hereby incorporated into these regulations. If there be any conflict between the State and Federal regulations, the more stringent shall apply.

10-8-2-4: Specific Pollutant Limitations. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits. It shall be unlawful for any person to discharge into the Village sewerage works any waters or wastes containing substances exceeding the following maximum concentrations of loadings or pollutants:

<u>POLLUTANT</u>	<u>MAXIMUM CONCENTRATION</u>
5-day BOD	400 mg/l
Total Suspended Solids	400 mg/l
Total Dissolved Solids	1,000 mg/l
Chemical Oxygen Demand	800 mg/l
Aluminum	15 mg/l
Ammonia as N	50 mg/l
Arsenic	0.1 mg/l
Barium	12.0 mg/l
Borate (Boron)	0.6 mg/l
Cadmium	0.1 mg/l
Chromium (Hexavalent)	1.5 mg/l
Chromium (Total)	2.5 mg/l
Copper	1.0 mg/l
Cyanide	0.1 mg/l
Fluoride	6.5 mg/l
Iron	10.0 mg/l
Lead	0.5 mg/l
Manganese	9.0 mg/l
Mercury	0.0005 mg/l
Nickel	2.0mg/l
Oil (Hexane Soluble)	75.0 mg/l
pH range	6-9
Phenols	0.5 mg/l
Phosphorus	25.0 mg/l
Selenium	1.0 mg/l
Silver	1.0 mg/l
Sulfate	3,000mg/l
Tin	2.0 mg/l
Zinc	1.0 mg/l

Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his discretion, the Village Administrator may impose mass limitations in addition to or in place of the concentration based limitations above.

10-8-2-5: Village's Right of Revision. The Village reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 10-8-1-1 of these regulations or the general and specific prohibitions in Section 10-8-2-1 of these regulations.

10-8-2-6: Special Agreement. The Village reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15; They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

10-8-2-7: Dilution. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Village Administrator may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

10-8-3 PRETREATMENT OF WASTEWATER.

10-8-3-1: Pretreatment Facilities. Industrial users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all categorical pretreatment-standards, local limits and the prohibitions set out in Section 10-8-2-1 above within the time limitations specified by the EPA, the State, or the Village Administrator-- whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Village shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Village for review and approval, and shall be approved by the Village before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Village under the provisions of this Chapter. The person submitting the plans to be reviewed shall pay all costs incurred by the Village in reviewing such plans, including but not limited to the costs of engineers and other special consultants to the Village which are reasonably deemed by the Village to be necessary for the proper evaluation of the proposed plans. The Village may require of the applicant a deposit into a special escrow to be held by the Village, a sum sufficient to cover the anticipated costs of evaluation.

10-8-3-2: Additional- Pretreatment Measures.

- A. Whenever deemed necessary, the Village Administrator may require industrial users to restrict their discharge during the peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewer wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this Chapter.
- B. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village Administrator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Village Administrator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his expense. A grease trap is a pretreatment device (40 CFR 403). A record of cleaning shall be kept on site for review by the Village Inspector. Increase in frequency of cleaning the grease trap(s) may be required by the Village. All costs incurred by the Village due to improperly maintained grease traps will be assessed to the Owner.
- C. Industrial users with the potential to discharge flammable substances are not permitted.

10-8-3-3 Spill Containment. The Village Administrator may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years, the Village Administrator shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- A. Protection Required. Industrial Users shall, provide protection, from accidental or Slug Discharge to the Wastewater Treatment System of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental or Slug Discharge or prohibited materials shall be provided and maintained at the Industrial User's sole cost and expense.
- B. Plans, Construction Required. Industrial Users shall have detailed plans on file with the Village showing facilities and operating procedures for protection from accidental or Slug Discharge. Industrial Users shall complete construction of said facilities by such dates, as the Village shall determine, taking into

consideration: the complexity and extent of construction required to comply with this Ordinance and the potential harm that' maybe caused to the Wastewater Treatment System. Significant Industrial Users shall complete construction of said spill containment facilities within 18 months after the original effective date of this Ordinance or within one year after Discharge begins, whichever is later. However, a different deadline for completing construction of said spill containment facilities may be set in the Significant Industrial User's Wastewater Discharge Permit by the Village, after taking into consideration the complexity and extent of construction required to comply with this Section and the potential harm which may be caused to the Wastewater Treatment System and others. No New Source shall Discharge until accidental discharge facilities and procedures, as appropriate, have been approved by the Village and installed by the Industrial User. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

- C. Notice Required. In case of accidental, deliberate, or Slug Discharge of prohibited materials, or other substances regulated by this Ordinance, the Industrial User shall be responsible to immediately telephone and notify the Village of the incident. The notification shall include name of caller, location and time of discharge, type of wastewater, concentration, volume, and corrective actions to be taken.
- D. Written Report Required. Within 5 days after such an accidental, deliberate, or Slug Discharge, the industrial User shall submit to the Village a detailed written report describing the cause of the Discharge and the measures taken, or to be taken, by the Industrial User to prevent similar future occurrence. Follow-up reports may be required by the Village as needed. No such report shall relieve the Industrial User of the responsibility for any expense, loss, damage, or other liability that may be incurred as a result of damage to the Wastewater Treatment System, fish kills, or any other damage to person or property; nor shall any such report relieve the Industrial User of liability for any fines, civil penalties, or other liability imposed by this Ordinance or any other statute or regulation. Failure to report any accidental, deliberate, or Slug Discharge may result in the revocation of the Industrial User's Wastewater Discharge Permit, in addition to any other remedies available to the Village.
- E. User Control Required. Industrial Users shall control production and all Discharges to the extent necessary to maintain compliance with all applicable regulations in the event of the reduction, loss, or failure of Wastewater Pretreatment Facilities and until the facilities are restored or an alternative method of treatment is provided.
- F. Posted Notice Required. Industrial Users shall post notice at all times on a bulletin board in a prominent place, advising employees whom to call in the event of an accidental and/or illegal Discharge. Industrial Users shall insure that all employees in a position to cause, discover, or observe such Discharge are advised of emergency notification procedures.

10-8-3-4: Tenant Responsibility. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this Chapter.

10-8-3-5: Hauled Wastewater.

- A. Septic tank waste may be accepted into the POTW at a: designated receiving structure within the treatment plant area., and at such times as are established by the Village Administrator provided such wastes do not violate Section 10-8-2 of this Chapter or any other requirements established or adopted by the Village. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the Village Administrator. Testing of the wastes to be discharged may be required as a condition to being permitted to discharge. Such tests will be at the expense of the person seeking permission to discharge. Testing must be conducted by a certified laboratory.
- B. The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a wastewater discharge permit from the Village. The Village Administrator shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are

subject to all other sections on this Chapter. Testing of the wastes to be discharged may be required as a condition to discharge. Such testing costs shall be at the expense of the person seeking to discharge.

- C. Fees for dumping septage will be established as part of the Industrial User Fee System as authorized in Section 10-8-14 and 10-8-15.

10-8-3-6: Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10-8-10 through 10-8-12, inclusive, below.

10-8-4 WASTEWATER DISCHARGE ELIGIBILITY

10-8-4-1: Wastewater Survey. When requested by the Village Administrator, all Industrial Users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Village Administrator is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of this Chapter.

10-8-4-2: Wastewater Discharge Permit Requirement.

- A. It shall be unlawful for any significant Industrial User to discharge wastewater into the Village's POTW without first obtaining a wastewater discharge permit from the Village. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in Sections 10-8-11 through 10-8-12, inclusive. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law. If at any time there is a conflict between the provisions of these regulations and Federal or State regulation of the same subject matter, the more stringent shall apply.
- B. The Village Administrator may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this Chapter.
- C. No temporary permit will be issued by the Village.

10-8-4-3: Wastewater Discharge Permitting Existing Conditions. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this Chapter and who wishes to continue such discharges in the future, shall, within 180 days after said date, apply to the Village for a wastewater discharge permit in accordance with Section 10-8-4-6 below, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this Chapter except in accordance with a wastewater discharge permit issued by the Village Administrator.

10-8-4-4: Wastewater Discharge Permitting New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 60 days prior to the date upon which any discharge will begin. The Village reserves the right to withhold permit issuance until a copy of the IEPA Pretreatment Construction and Operation Permit has been issued by the IEPA.

10-8-4-5: Wastewater Discharge Permitting Extra-jurisdictional Industrial Users.

- A. Any existing significant industrial user located beyond the Village limits, if any, shall submit a wastewater discharge permit application, in accordance with Section 10-8-4-6 below, within 180 days of the effective date of this Chapter. New significant industrial users located beyond the Village limits shall submit such applications to the Village Administrator 60 days prior to any proposed discharge into the POTW.

- B. Alternately, the Village may enter into an agreement with a neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

10-8-4-6: Wastewater Discharge Permit Application Contents. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by Section 10-8-6-1 (B) of this Chapter. The Village Administrator shall approve a form to be used as a permit application. In addition, the following information may be requested:

- A. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the POTW.
- B. Number and classification of employees, hours of operation, and proposed or actual hours of operation of the pretreatment system, including the IEPA Certified Operator of Record.
- C. Each product produced by type, amount, process or processes, and rate of production.
- D. Type and amount of raw materials processed (average and maximum per day).
- E. The site plan, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, spill containment facilities and appurtenances by size, location and elevation, and all points of discharge.
- F. Time and duration of the discharge.
- G. Any other information as may be deemed necessary by the Village Administrator to evaluate the wastewater discharge permit application.
- H. NAICS number according to the North American Industrial Classification System Manual, published by the Bureau of the Budget, 1999 edition, as amended.
- I. Wastewater constituents and characteristics, including but not limited to those set forth in this Ordinance, as determined by a reliable analytical laboratory and with sampling and analysis performed in accordance with techniques prescribed in 40 CFR Part 136.
- J. Average and maximum Wastewater Flow Rates, including monthly and seasonal variations, if any.
- K. Proposed or actual hours of operation of all Pretreatment facilities and the name of the IEPA certified Pretreatment facilities operator.
- L. Name of the applicant's Authorized Representative.
- M. The applicant's source of intake water together with the types of usage and disposal sources of water and the estimated volumes in each category.
- N. Applicant's Material Safety Data Sheets ("MSDS") for all material used or stored in each location, which MSDS shall be updated for all new material used or stored in each location.
- O. If additional operation and maintenance or Pretreatment techniques or installations will be required to meet Pretreatment Standards, the shortest schedule by which the applicant will provide such additional Pretreatment.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

10-8-4-7: Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

10-8-4-8: Wastewater Discharge Permit Decisions. The Village Administrator will evaluate, or cause the evaluation of the data furnished by the industrial user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, Village Administrator will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Village Administrator may deny any application for a wastewater discharge permit.

10-8-5 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS.

10-8-5-1: Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Village Administrator. Each wastewater discharge permit will indicate a specific date upon which it will expire. The permittee shall file an application for renewal of its permit at least 90 days prior to expiration of the permittee's permit, on a form provided by the Village.

10-8-5-2: Wastewater Discharge Permit Contents and Conditions. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by [the Superintendent] to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW. User charges and user fees established by the Village shall be assessed regardless of whether such provisions, regulations, charges or fees appear on the face of the permit.

A. Wastewater discharge permits must contain the following conditions:

1. A statement that indicates the duration of the wastewater discharge permit, which in no event shall exceed 5 years.
2. A statement that the wastewater discharge permit is nontransferable without prior notification to, and approval from, the Village, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
3. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
4. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, , sampling location, sampling frequency, and sample type based on Federal; State, and local law.
5. Statement that the permit is subject to the regulations of this ordinance (a copy of which shall be provided with the permit), and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local laws.
6. Requirements to retain for a minimum of three years any records of monitoring activities and results relating to wastewater discharge and for affording the Village access to such records.

7. Requirements for advance notification to the Village of any new discharge or any substantial change in the volume, or character of the wastewater constituents already discharged.
 8. Requirements that the permittee allow the Village ready access at reasonable times to all parts of the permittee's premises in which a discharge source or treatment system is or may be located or in which records required by this Chapter are kept for the purposes of inspection, sampling, examination, photocopying of said records, and for any other proper exercise of the authority of the Village hereunder.
- B. Wastewater discharge permits may contain, but need not be limited to, the following:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 3. Requirements for the installation and operation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
 5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW. Reporting of pretreatment sludge disposal practices, with copies of waste manifests, is required.
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
 8. Other conditions as deemed appropriate by the Village Administrator to ensure compliance with this Chapter, and State and Federal laws, rules and regulations.
 9. A compliance schedule, if required.
 10. Submission of technical reports or discharge reports is required.
 11. The permittee shall provide other information to the Village from time to time as may be reasonably required.

10-8-5-3: Wastewater Discharge Permit Appeals. Any person, including the industrial user, may petition the Village to reconsider the terms of a wastewater discharge permit within ten (10) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

- D. If the Village fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Subject to the right to appeal as provided in this Section, decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of the Nineteenth Judicial Circuit within thirty five (35) days or such shorter limitations period as may be applicable by State statute.

10-8-5-4: Wastewater Discharge Permit Modification. The Village Administrator may modify the wastewater discharge permit for good cause, including but *not* limited to, the following:

- A. To incorporate any new or revised Federal, State or local pretreatment standards or requirements. Provided however, the failure to modify the wastewater permit shall not relieve the permittee from its obligations to comply with all applicable laws and regulations.
- B. To address significant alternations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the Village's POTW, Village personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any other required reporting.
- G. Revision of, or a grant of, a variance from categorical pretreatment standards pursuant to 40CFR403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification or variation does not stay any wastewater discharge permit condition.

10-8-5-5: Variances. The Village Administrator, after receipt of a written application or on his or her own initiative, and after hearing, and subject to the process and standards that follow, may grant variances to the provisions of the Ordinance when, by reason of unique circumstances or the unique conditions of a particular User, the literal enforcement of the provisions of this Ordinance would result in an unreasonable hardship or otherwise would be contrary to the purposes and intent of this Ordinance.

10-8-5-6: Village Administrator Responsibilities. The Village Administrator shall administer the variance provisions set forth in the Section.

10-8-5-7: Public Notice: The Village Administrator shall issue a public notice inviting public comment *on* all proposed variances. Public notice shall be made by publication of the request *for* variance in a newspaper of general circulation within the Village. Such public notice shall be given at least ten (10) days prior to consideration of the application and shall contain a concise description, of the variance(s) being sought and the name of the user seeking the variance(s).

10-8-5-8: Standards for Variances. The Village Administrator may grant a variance only if the Village Administrator determines that all *of* the following circumstances exist:

- A. A showing has been made by the applicant of good and sufficient cause for the variance.
- B. The proposed variance is the minimum necessary to afford relief, considering the specific nature and circumstances of the Industrial User.
- C. Failure to grant the variance will result in exceptional hardship to the effected Industrial User.
- D. The proposed variance will not result in a violation of any applicable Federal or State of Illinois statute, standard, or regulation.
- E. The proposed variance will not be detrimental to the public health, safety, or general welfare, and will not be contrary to the purposes and intent of this Ordinance.
- F. The proposed variance will not result in additional threats to public safety, extraordinary public expense, creation of nuisances, fraud, or victimization of the public, and will not otherwise conflict with existing local laws or ordinances.
- G. Conditions. After consideration of the factors noted above and the intent and purposes of this Ordinance, the Village Administrator may attach such conditions to the granting of a variance as the Village Administrator deems to be necessary to further the purposes and objectives of this Ordinance.
- H. Findings Written findings shall be made public for all variance decisions.

10-8-5-9: Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Village Administrator and the Village Administrator approves the wastewater discharge permit transfer. The notice to the Village Administrator must include a written certification by the new owner and/or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- B. Identifies the specific date on which the transfer is to occur.
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of transfer renders the wastewater discharge permit voidable on the date of facility transfer.

10-8-5-10: Wastewater Discharge Permit Revocation: Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the Village of significant changes to the wastewater prior to the changed discharge.
- B. Failure to provide prior notification to the Village of changed condition pursuant to Section 10-8-6-5.
- C. Misrepresentation of material facts or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- D. Falsifying self-monitoring reports.
- E. Tampering with monitoring equipment.
- F. Refusing to allow the Village timely access to the facility premises and records.

- G. Failure to meet discharge limitations
- H. Failure to pay fines.
- I. Failure to pay sewer charges.
- J. Failure to meet compliance schedules.
- K. Failure to complete a wastewater survey or the wastewater discharge permit application.
- L. Failure to provide advance notice of the transfer of a permitted facility.
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the Chapter.
- N. Failure to report an accidental pollutant discharge.
- O. Failure to report an upset of its pretreatment facilities.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All previously issued wastewater discharge permits for a particular facility are void upon the issuance of a new wastewater discharge permit for that facility. The Village shall state in writing the reason or reasons for denial, which shall be made by certified or registered mail, within 10 days after denial.

10-8-5-11: Wastewater Discharge Permit Reissuance. A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 10-8-4-6 a minimum of thirty (30) days prior to the expiration of the industrial user's existing wastewater discharge permit.

10-8-5-12: Municipal Wastewater Discharge Permits. In the event another municipality contributes all or a portion of its wastewater to the POTW, the POTW may require such municipality to apply for and obtain a municipal wastewater discharge permit.

- A. A municipal wastewater discharge permit application shall include:
 - 1. A description of the quality and volume of the wastewater at the points(s) where it enters the POTW.
 - 2. An inventory of all industrial users discharging to the municipality.
 - 3. Such other information as may be required by the Village Administrator.
- B. A municipal wastewater discharge permit shall contain the following conditions:
 - 1. A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this Chapter and local limits which are at least as stringent as those set out in Section 10-8-2-4.
 - 2. A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis.
 - 3. A requirement for the municipal user to a) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or b) authorize, through an appropriate intergovernmental agreement, the Village to take or conduct such activities on its behalf

4. A requirement for the municipal user to provide the Village with access to all information *that* the municipal user obtains as part of its pretreatment activities.
 5. Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it discharges to the POTW.
 6. Requirements for monitoring the municipal user's discharge.
- C. Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in Sections 10-8-10 through 10-8-12, inclusive.

10-8-6 REPORTING REQUIREMENTS

10-8-6-1: Baseline Monitoring Reports.

- A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the Village a report which contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Village a report which contains information listed in paragraph (B), below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged. The form of the report shall be provided by the Village.
- B. The industrial user shall submit the information required by this Section including:
 1. Identifying Information. The name and address of the facility including the name of the operator and owners.
 2. Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.
 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary, to allow use of the combined waste stream formula set out in 40 CFR403.6 (e).
 5. Measurement of Pollutants.
 - a. Identify the categorical pretreatment standards applicable to each regulated process.
 - b. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the Village) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported.
 - c. Sampling must be performed in accordance with procedures set out in Section 10-8-6-11.

6. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) measures and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M measures will be required to meet the pretreatment standards then the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M measures shall be implemented. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 10-8-6-2 below.
8. All baseline monitoring reports must be signed and certified in accordance with Section 10-8-4-7.
9. Such other information as may be required by the Village.

10-8-6-2: Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by Section 10-8-6-1 (B) (7). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing, and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Village Administrator no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Village Administrator.

10-8-6-3: Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the Village a report containing the information described in Section 10-8-6-1 (B) 4-6. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedure in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 10-8-4-7.

10-8-6-4: Continued Compliance Reports.

- A. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Village Administrator, but in no case less than twice per year, (in July and January), submit a report, on a form provided by the Village, indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 10-8-4-7. Such reports shall be completed and returned to the Village within thirty (30) days of its receipt by the significant industrial user.
- B. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

- C. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 10-8-6-1 of this Chapter the results of this monitoring shall, be included in the report.

10-8-6-5: Report of Changed Conditions. Each industrial user is required to notify the Village Administrator of any planned significant change or significant change to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least *forty* five (45) days before the change. If the type, quality, or volume of Wastewater from the premises for which a Wastewater Discharge Permit was granted is expected to materially and substantially change as reasonable determined by the permittee or the Village, then the permittee shall give at least 30 days notice in writing to the Village and shall submit a new application to the Village for a new Wastewater Discharge Permit prior to said change, in the same manner and *form* as originally made; provided, however, that information previously submitted and unchanged need not be resubmitted by the permittee. No permittee shall materially and substantially change the types, quality, or volume of its Wastewater beyond that allowed by its permit without the prior approval of the Village.

- A. The Village Administrator may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 10-8-4-6.
- B. The Village may issue a wastewater discharge permit under Section 10-8-4-8 or modify an existing wastewater discharge permit under Section 10-8-5-4.
- C. No industrial user shall implement the-planned changed condition(s) until and unless the Superintendent has responded to the industrial user's notice.
- D. For purposes of this Section 10-8-6-5, flow increases often percent (10%) or greater, and/or the discharge of any previously unreported pollutants, shall be deemed "A Significant Change."

10-8-6-6: Reports of Potential Problems.

- A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 10-8-2-1 of this Chapter), it is the responsibility of the industrial user to immediately telephone and notify the Village of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
- B. Within five (5) days following such discharge, the industrial user shall, unless waived by the Village Administrator submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this. Chapter.
- C. Failure to notify the Village of potential problem discharges shall be deemed a separate violation of this Chapter.
- D. A notice shall be permanently posted on the industrial user's bulletin board of other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees, who may cause or may suffer such a discharge to occur, are advised of the emergency notification procedure.

10-8-6-7: Reports from Non-Significant Industrial Users. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the Village as the Village Administrator may require.

10-8-6-8: Notice of Violation/Repeat Sampling and Reporting.

- A. If sampling performed by an industrial user indicates a violation, the industrial user must notify the Village Administrator within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Village Administrator within thirty (30) days after becoming aware of the violation. The industrial user must resample for the relevant parameter(s) in violation for three consecutive sample periods, unless the Village Administrator directs otherwise, the "Control Authority "is the Village Administrator.

10-8-6-9: Notification of the Discharge of Hazardous Waste.

- A. Any industrial user who unlawfully discharges hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The notification shall also contain the following information to the extent such information is known or readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged. All notifications must take place immediately after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged or event. However, notifications of changed discharges must be submitted under Section 10-8-6-5, above. The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of Sections 10-8-6-1, 10-8-6-3 and 10-8-6-4 above.

10-8-6-10: Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

10-8-6-11: Monitoring and Sampling Facilities and Methods.

- A. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and total toxic organics must be obtained using grab collection techniques.
- B. A grab sample may be used if user has a batch discharge.
- C. Monitoring Facilities Required. Each Industrial User shall provide and operate, at its own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or: internal drainage systems. The monitoring facilities shall be situated on the User's premises, except that the Village may, when such a location would be impractical and cause undue hardship to the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping, parked vehicles, or other activities of the User. All User flow measurement equipment shall be certified by an outside contractor on an annual basis with a copy of the certification sent to the Village. The cost of this certification of calibration will be paid for by the Industrial User.
- D. Additional Control Manholes. When required by the Village, additional control manholes or sampling chambers shall be provided by the Industrial User, at the Industrial User's expense, at the end of each industrial process within the User's facility suitable for the determination of compliance with Pretreatment Standards.
- E. Sampling Chambers. Whenever required by a Wastewater Discharge Permit, any Industrial User shall install and maintain, at its own expense, a large manhole or sampling chamber for each separate Discharge in the building sewer in accordance with plans and specifications approved by the Village, which manhole

or sampling chamber shall have ample room to permit the Village to take accurate composite samples for analysis. Each manhole or sampling chamber shall be safely, easily, and independently accessible by the Village at any time, and shall be equipped and used as follows:

1. Each sampling chamber shall contain a Palmer-Bowlus flume, unless a weir or similar device is approved by the Village, with a recording and totalizing register for measurement of the liquid quantity. At the discretion of the Village, the metered water supply to the premises may be used as the liquid quantity when it is substantiated to the Village that the metered water supply and waste quantities are approximately the same, or when a measurable adjustment agreed to by the Village is made in the metered water supply to determine the liquid waste quantity.
2. When required, samples shall be taken every hour or half hour, as determined by the Village, and properly refrigerated and preserved in accordance with Standard Methods. Each sample shall be composited in proportion to the flow for a representative 24-hour sample. Sampling shall be done as prescribed by the Wastewater Discharge Permit.
3. The manhole or sampling chamber, metering device, documentation of the frequency of sampling methods, and analyses of samples shall be subject, at any reasonable time, to inspection and verification by the Village

10-8-6-12:-Determination of Noncompliance. The Village Administrator may use a grab sample(s) and/or any other accepted scientific testing method to determine noncompliance with pretreatment standards.

10-8-6-13: Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

10-8-6-14: Record Keeping

- A. Maintenance of Records Required. Each Industrial User shall maintain records of all information resulting from any monitoring activities required by this Ordinance and shall include in such records:
 1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples; and
 2. The dates analyses were performed; and
 3. The identity of individuals who performed the analyses; and
 4. The analytical techniques and methods used; and
 5. The result of such analyses.
- B. Retention Periods Established. Industrial Users shall maintain such records for a minimum of three years and shall make such records available for inspection and copying by the IEP A, the Village, and the USEPA. This period of retention shall be extended during the course of any unresolved litigation regarding the Discharge of Pollutants by the Industrial User or the operation of the Village's Pretreatment program or when requested by the IEPA, the Village, or the USEPA.
- C. Falsification. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or any Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance or any Wastewater Discharge Permit, shall be subject to the penalties and costs as stated in this ordinance and, in addition, shall be guilty of a misdemeanor punishable by a fine in an amount not less than \$100.00 nor more than \$750.00 for each offense.

10-8-7 COMPLIANCE MONITORING

10-8-7-1: Inspection and Sampling. The authorized representatives of the Village shall have the right, as a condition to the discharge permit or otherwise, to enter the facilities of any industrial user to ascertain whether the purpose of this Chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with an requirements thereof Industrial users shall allow the Village Administrator or his representatives ready access to all parts of the premises *for* the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties relevant to the specific purposes of this Chapter.

- A. A. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards and systems so that, upon presentation of suitable identification, personnel from the Village, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- B. The Village, State and EP A shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's discharge operations.
- C. The Village may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at is own expense. All devices used to measure wastewater flow and quality shall be calibrated at annual intervals to ensure their accuracy. The annual calibration results must be forwarded to the Village. Additionally, all such devices shall be certified by a certified technician.
- D. All temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Village Administrator and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
- E. Unreasonable delays in allowing Village personnel access to the industrial user's premises shall be a violation of this Chapter.
- F. Any equipment used for process control must be calibrated pursuant to the manufacturer's recommendation. All records of calibration (in house or contract) must be kept by user and be available for' inspection by the Village for a period of 10 years.

10-8-7-2: Search Warrants. If, under the provisions of this Chapter, the Village Administrator has been refused access to a building, structure or property or any part thereof, and if he has demonstrated probable cause to believe that there may be a violation of this Chapter or that there is a need to inspect as part of a routine inspection program of the Village designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the Village Attorney, the Village shall seek and obtain a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Village Administrator or his designee in the company of a uniformed police officer of the Vi llage. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

10-8-8 CONFIDENTIAL INFORMATION

10-8-8: Confidential Information. Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from Village inspection and sampling activities, shall be available to the public without restriction, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the Village that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial user furnishing a report that such

information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by Federal Regulations will not be recognized as confidential information and will be available to the public without restriction. No information will be withheld in violation of the Illinois Freedom of Information Act.

10-8-9 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

10-8-9: Publication of Industrial Users in Significant Noncompliance. The Village may publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The industrial users on such list, on demand by the Village, shall reimburse the Village for their respective prorata shares of the cost of the publishing of the list. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical Review Criteria (TRC) violation, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH].
- C. Any other discharge violation that the Village believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Village personnel or the general public).
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Village's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance with the Wastewater Discharge Regulations set forth in this Chapter.
- H. Any other violation(s) which the Village determines will adversely affect the operation of implementation of the local pretreatment program.

10-8-10 ADMINISTRATIVE ENFORCEMENT REMEDIES

10-8-10-1: Notification of Violation. Whenever the Village Administrator finds that any user has violated or is violating this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Village Administrator or his agent may serve upon said user a written Notice of Violation. Within five (5) business days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Village Administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Village to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. The

lawful remedies available to the Village under this Chapter, or otherwise, shall be cumulative and the use or implementation of one shall not preclude the use or implementation of others. In any action brought by the Village, appropriate fines and penalties may be sought in addition to any other remedy. The response of the individual *user* shall include, at a minimum, a detailed explanation of the cause of the alleged violation(s) and the steps taken to eliminate such violation(s).

10-8-10-2: Consent Orders. Upon approval of the Village Board the Village Administrator shall be empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any *user* responsible for noncompliance. Such orders will include specific action to be taken by the *user* to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10-8-10-4 and 10-8-10-5 below and shall be judicially enforceable at any time there is noncompliance therewith.

10-8-10-3: Show Cause Hearing. The Village Administrator may order any *user* which causes or contributes to violation(s) of this Chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before him or her and show cause why a proposed enforcement action should not be taken. Notice shall be served on the *user* specifying the time and place for the meeting, the proposed enforcement action, the reason for such action, and a request that the *user* show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any further action against the user.

10-8-10-4: Compliance Orders. When the Village Administrator finds that a *user* of the POTW has violated or continues to violate this Chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user to come into compliance within five (5) days (or such longer period of time as the Village Administrator may deem to be appropriate under the circumstances giving due regard to the impact a continuing violation will have on the POTW and the public health and safety. If the user does not come into compliance within the required time, sewer and/or water service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation of any applicable law or regulation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

10-8-10-5: Cease and Desist Orders. When the Village Administrator finds that a user is violating this Chapter, the user's wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Village Administrator may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements.
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing *or* threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user or discharger.

10-8-10-6: Administrative Fines.

- A. Notwithstanding any other Section of this Chapter, any user of the POTW that is found to have violated any provision of this Chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement shall be assessed in an amount not less than \$100.00 and not to

exceed \$750.00 for each violation. Each day that a violation exists shall be considered a separate violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Provided, however, service shall not be terminated if the fire suppression system is not separate from the service proposed to be terminated. Provided further, the remedies sought by the Village for violation may include requiring the user to install a fire suppression service connection separate from the general service connection.

- B. Assessments may be added to the user's next scheduled sewer service charge and the Village Administrator shall have such other collection remedies as may be available for other service charges and fees.
- C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, and interest shall accrue thereafter at a rate of one percent (1 %) per month. A lien against the individual user's property will be sought for unpaid charges, assessments, fines and penalties.
- D. Users desiring to dispute such fines must file a written request to the Village Administrator to reconsider the fine, penalty or assessment along with full payment of the amount within ten, (10) days of being notified of the fine, penalty or assessment. Where a request has merit, the Village Administrator shall convene a hearing on the matter within twenty (20) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment shall be returned to the industrial user. The Village may add the cost of preparing administrative enforcement actions such as notices and orders to the fine, penalty or assessment.
- E. Issuance of an administrative fine, penalty or assessment shall not be a prerequisite for taking any other action against the user.

10-8-10-7: Emergency Suspensions. The Village Administrator may immediately suspend a user's discharge permit (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare or any person. The Village Administrator may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with or cause damage to the operation of the POTW, or which presents or may present an endangerment to the environment.

- A. Any user notified of a suspension of its discharge permit shall immediately stop or eliminate its unlawful discharges. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Village Administrator shall take such steps as deemed necessary, including; but not limited to, immediate severance of the sewer connection, and/or termination of the water supply, to prevent or minimize damage to the POTW, its receiving stream, or prevent endangerment to any person. The Village Administrator shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Village Administrator that the period of endangerment has passed, unless the termination proceedings set forth in Section 10-8-10-8 are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment to persons, property or the environment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Village Administrator, prior to the date of any show cause or termination hearing under Sections 10-8-10-3 and 10-8-10-8.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

10-8-10-8: Termination of Discharge. In addition to those provisions in Section 10-8-5-10 of this Chapter, any user that violates the following conditions of this Chapter, the wastewater discharge permit, or orders issued hereunder, is subject to discharge termination.

- A. Violation of wastewater discharge permit conditions.
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge.

- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- D. Refusal of reasonable access to user's or permittee's premises for the purpose of inspection, monitoring or sampling pursuant to the provisions of this chapter.
- E. Violation of the pretreatment standards, limitations and requirements in Section 10-8-2 of this Chapter.
- F. Disrupts, destroys, or tampers with Village equipment.
- G. Fails to report an accidental Pollutant Discharge.
- H. Fails to report an Upset of its Pretreatment facilities.
- I. Fails to reimburse the Village promptly all costs and expenses incurred by the Village and payable by the Industrial User.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10-8-10-3 of this Chapter why the proposed action should not be taken.

10-8-11 JUDICIAL ENFORCEMENT REMEDIES

10-8-11-1: Injunctive Relief Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this Chapter, wastewater discharge permit or orders issued hereunder, or any other pretreatment requirement, Village Administrator may file a complaint in the, Circuit Court, through the Village Attorney, for the issuance of a temporary, preliminary or permanent injunction, as appropriate, which restrains future violations of these regulations or compels the specific performance of the requirements of the wastewater discharge permit, order, or other requirement imposed by this Chapter. In addition, such other action as appropriate for legal and/or equitable relief may also be sought by the Village. A complaint for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

10-8-11-2: Penalties.

- A. Any person, firm, corporation or other entity, violating the terms and conditions of these regulations shall be subject to a fine of not less than \$200.00 nor more than \$750.00 for each violation and for each and every day that the violation exists. Each day that a violation exists is a separate violation subject to the penalty, fine and assessment provisions of these regulations.
- B. The Village, through the Village Administrator, may recover reasonable engineering fees, attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling, testing and monitoring expenses, and the cost of any actual damages incurred by the Village.
- C. In determining the amount of a penalty, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, its magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factors as justice requires.
- D. Filing a suit for violations and penalties shall not be a prerequisite for taking any other action against a violator and/or user.

10-8-11-3: Criminal Prosecution.

- A. Any user that willfully or recklessly violates any provisions of this Chapter, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$500.00 or more than \$750.00 per violation per day or imprisonment for not more than six (6) months, or both. The Village may elect not to seek imprisonment

for a violation where in its judgment fines and/or compliance will best serve the purposes of these regulations.

- B. Any user that willfully or recklessly introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500.00 but not more than \$750.00 and/or be subject to imprisonment for not more than six (6) months. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law. The Village may elect not to seek imprisonment for a violation where in its judgment fines and/or compliance will best serve the purposes of these regulations.
- C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Chapter, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$750.00 per violation per day Or imprisonment for not more than six (6) months, or both. The Village may elect not to seek imprisonment for a violation where in its judgment and/or compliance will best serve the purposes of these regulations.

10-8-11-4: Remedies Non-Exclusive. The provisions of Sections 10-8-9 through 10-8-12, inclusive, are not exclusive remedies. The Village reserves the right to take any, all, or any combination of these actions against a noncompliant user or violator. Enforcement of Pretreatment violations will generally be in accordance with the Village's enforcement response plan. However, the Village reserves the right to take further or other action against any user or violator when the circumstances warrant. Further, the Village may take more than one enforcement action against any noncompliant user or violator. These actions may be taken concurrently or separately.

10-8-12 SUPPLEMENTAL ENFORCEMENT ACTION

10-8-12-1: Performance Bonds. The Village Administrator may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Chapter, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the Village, in a sum not to exceed a value determined by the Village Administrator to be reasonably necessary to achieve consistent compliance.

10-8-12-2: Liability Insurance. The Village Administrator may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Chapter, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

10-8-12-3: Water Supply Severance. Whenever a user has violated or continues to violate the provisions of these regulations, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed or discontinued. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply with these regulations and all fines have been paid.

10-8-12-4: Public Nuisances. Any violation of this Chapter, the wastewater discharge permit, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Village Administrator or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Village Code governing such nuisances, including reimbursing the Village for any costs incurred in removing, abating or remedying said nuisance.

10-8-12-5: Informant Rewards. The Village may consider paying a reward for information leading to the discovery of noncompliance by a user. The terms and amount of such reward, if any, will be at the discretion of the Village Board.

10-8-12-6: Contractor Listing. Users which have *not* achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Village.

10-8-13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATION

10-8-13-1: Upset.

- A. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) are met.
- C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the industrial user can identify the cause(s) of the upset.
 - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - 3. The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five(5)days):
 - i. A description of the indirect discharge and cause of non compliance.
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - iv. In any enforcement proceeding, the industrial user seeking to establish the affirmative defense of an upset shall have the burden of proof on the facts in support thereof.
- D. Industrial users will have the opportunity for a judicial determination on any defense of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- E. The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of *its* treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

10-8-13-2: General/Specific Prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 10-8-2-1 of this Chapter if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge and the Village was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

10-8-13-3: Bypass.

A. Definitions.

1. "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. Any industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Procedures.

1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible.
2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW and the Village Administrator within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission of notice of bypass shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Village Administrator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass Prohibited.

1. Bypass is prohibited, and the Village may take enforcement action against an industrial user or discharger for a bypass, unless:
 - i. Bypass was clearly unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - iii. The industrial user submitted notices as required under paragraph (C) of this Section.
2. The Village Administrator may approve an anticipated bypass, after considering its adverse effects, if it is determined that it will meet the three conditions listed in paragraph (D)1 of this Section.

10-8-14 SURCHARGE FEES

10-8-14-1: Applicable Fees.

- A. Surcharge on Significant Industrial Users. The Village may assess, and every Significant Industrial User shall pay if so assessed, a surcharge pursuant to this Section. A surcharge does not relieve the user from any other liability for violation of the provisions of this ordinance.

1. **Surcharge Rate.** AU Significant Industrial Users that Discharge anyone of the following Pollutants in a concentration within the following Average Daily Concentration ranges shall be subject to a surcharge based on the respective rate per pound of such Discharge as set forth below:

<u>Average Daily</u>		
Pollutant	Concentration (mg/l)	Rate Per Pound (\$)
BOD	201-500	0.40
BOD	501 and higher	1.60
NH3N	26-80	2.40
NH3N	81 and higher	9.60
TSS	201-500	0.40
TSS	501 and higher	1.60

If a surcharge is imposed' pursuant to this Section on the basis of COD, as calculated pursuant to Paragraph 3 of this Subsection, then the surcharge shall be determined according to the BOD rate.

2. **Determination of Average Daily Concentrations.** In each calendar quarter, the Village shall determine the average daily concentration of BOD, TSS, NH3N, and COD for each Significant Industrial User (the "Average Daily Concentration"). Each Significant Industrial User shall pay all costs incurred by the Village in determining such User's Average Daily Concentrations. Such costs shall specifically include, without limitation, all sampling and analyses fees and expenses.
3. **Special Average Daily Concentration Calculation.** For Significant Industrial Users with Wastewater that includes toxic, inhibitory, or interfering material with a ratio of COD/BOD greater than the average in the influents of the Treatment Plant or in the Wastewater of non-industrial users, the Average Daily Concentration shall be determined by the following formula:

$$\text{BOD} = [\text{COD User} / \text{BOD User}] / (\text{COD Village Avg} / \text{BOD Village Avg}) \text{ BOD User}$$

The Value calculated pursuant to the above formula shall be used in lieu of the standard BOD value for waste strength calculations.

4. **Determination of Discharge Flow Unit Volume.** Discharge Flow volume shall be deemed to be total water usage measured in units of millions of gallons per day ("Discharge Flow Unit Volume"); provided, however, that a Significant Industrial User may, at its expense, measure Discharge Flow Unit Volume by use of Village approved Meters or other such devices and methods approved by the Village. The Village shall not include in Discharge Flow Unit Volume water known to be used for cooling water, sprinkler system water, water put into products, water lost to evaporation, and other water that does not Discharge to the Wastewater Treatment System. Each Significant Industrial User shall pay all costs incurred by the Village in determining its Discharge Flow Unit Volume, including specifically, but without limitation, all sampling and analyses fees.
5. **Pollutant Weight.** For purposes of assessing a surcharge pursuant to this Subsection A, the Village shall calculate the total weight of a Pollutant Discharged by a Significant Industrial User by applying the following formula:

$$\text{Weight} = (\text{Discharge Flow Unit Volume}) \times (A) \times (8.34)$$

"A" shall be the Pollutant (mg/l) minus the maximum Average Daily concentration for that Pollutant at which no surcharge is imposed pursuant to Paragraph 1 of this Subsection.

10-8-15 MISCELLANEOUS PROVISIONS

10-8-15-1: Pretreatment Charges and Fees. The Village may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the Village's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the Village may deem necessary to carry out the requirements contained herein. These fees related solely to the matters covered by this Chapter and are separate from all other fees, fines and penalties chargeable by the Village.

10-8-15-2: Annual Permit Fees.

- A. All applications for a Wastewater Discharge Permit, or for the renewal thereof, shall be accompanied by an annual permit fee of \$500.
- B. If a permit cannot be issued at the time, when the application is made, the Village shall issue a receipt to the applicant for the money paid in advance. All such receipts shall plainly indicate thereon that the receipt of the annual permit fee is not to be construed as the issuance of a Wastewater Discharge Permit. No such receipt, or the payment of the annual permit fee, shall entitle or authorize any person to any of the privileges or authorizations conferred by the issuance of a Wastewater Discharge Permit pursuant to this Ordinance.
- C. In the case of a Wastewater Discharge Permit issued on an annual basis, on or after November 1, of any year, a Wastewater Discharge Permit for the balance of the year will be issued for \$ 250.00. Where a Wastewater Discharge Permit is issued before November 1 of any year, the entire \$ 500.00 annual permit fee shall be required.
- D. No rebate or refund shall be made of any annual permit fee, or part thereof, by reason of the nonuse of the Wastewater Discharge Permit, disconnection or discontinuance of the Significant Industrial User's connection to or contribution to the Wastewater Treatment System, or the suspension or revocation of the Wastewater Discharge Permit.
- E. Whenever a Wastewater Discharge Permit is applied for but not approved or renewed, the annual permit fee paid in advance, if any, shall be refunded to the applicant.
- F. Any permittee whose Wastewater Discharge Permit has a duration of more than one year shall, within 30 days immediately prior to the expiration of the first year of such permit, and within 30 days immediately prior to the expiration of each successive year during which such permit is in force, pay to the Village an annual permit fee of \$500.00.

10-8-15-3: Payment of Sampling and Testing Costs and Surcharges. Each Industrial User shall pay all costs incurred by the Village for monitoring, sampling, testing, and all other compliance measures undertaken by the Village (Compliance Costs) for that Industrial User, regardless of scope, frequency, or level of expense. Such

Compliance Costs shall specifically include, without limitation, \$50.00 for each Village inspection of an Industrial User's facilities and operations, and the actual costs of all laboratory analysis and related charges incurred by the Village in determining compliance with the provisions of this Ordinance. All Payments shall be made within 30 days after the Village has mailed an invoice seeking payment of Compliance Costs.

10-8-15-4: Restriction On Connection To Village Systems. The Village Administrator may withhold from any new user or any existing user any permit to connect, expand or modify a sewer or water connection whenever the applicant is in violation of these regulations.

10-8-15-5: Conflict With Other Ordinances Or Regulations. Where there is a conflict between the provisions of this Chapter and any other provision of the Village Code or Village ordinances, the provisions of this Chapter shall govern, it being the intention of the Corporate Authorities not to repeal by implication any other ordinance or Village Code provision not specifically repealed by the ordinance enacting this Chapter.

SECTION II: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION III: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION IV: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed this 19th day of SEPTEMBER, 2000

	Ayes:	Nays:	Absent/Abstain
David Wanshek	X		
Carl Aronson	X		
Gregg Turner	X		
Lorraine C. Godawa	X		
John Amrich	X		
Gail S.Wittenberg	X		

APPROVED:

By: JAMES ESCHENBAUCH, President

ATTEST:

By: MARY C. TAYLOR, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on SEPTEMBER 19, 2000.

I hereby certify that the above ordinance was published in pamphlet form on SEPTEMBER 25, 2000, as provided by law.

MARY C. TAYLOR, Village Clerk